

## REMARKS

### *Response to Restriction Requirement*

As stated above, applicants have elected the invention of Group I, claims 1-15, drawn to a non-interacting drug combination. For the *provisional* election of species:

- Applicants have provisionally elected as the "second drug" species the second drug fenofibrate (the species of claim 6). Claims 1-6 and 11-12 read on this elected species.
- Applicants have provisionally elected as the method of administration species, the species wherein the drugs are administered together. All of claims 1-15 read on this elected species.

(4)

The election is provisional, and it is understood that upon allowance of a generic claim, applicant will be entitled to consideration of claims drawn to additional species which are written in dependent form or otherwise incorporate the limitations of the allowed genus claim.

The above election is made without waiver of prejudice to applicants' rights to prosecute the non-elected subject matter in one or more divisional applications.

### *Claim Amendments*

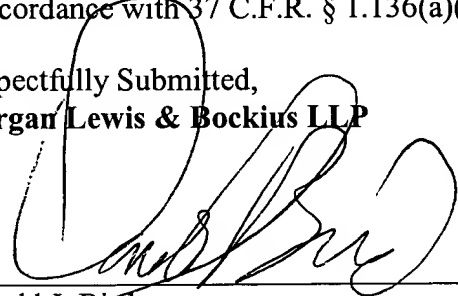
Claims 16-32 have been cancelled as being directed toward non-elected inventions. Claims 3, 4, 7 and 9 have been amended with respect to their multiple dependencies so as to correct all improper multiple dependencies within the elected claims. Following entry of the above amendments, claims 1-15 remain pending in this application.

### *Conclusion*

In view of the above election and amendments to the claims, all claims are believed to be in proper form and directed toward the elected invention. A early and favorable action on the merits is therefore respectfully requested.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**



Date: August 6, 2003  
Morgan Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
DJB:mk

By:

---

Donald J. Bird  
Registration No. 25,323  
Tel. No.: (202) 739-5320  
Fax No.: (202) 739-3001